

**Amendment and Response**

Applicant: Roger A. Duman

Serial No.: 10/722,240

Filing Date: November 25, 2003

Docket: G180.147.101 / GM16164

Title: APPARATUS AND METHOD FOR TRANSPORTING CONTAINERS WITHIN A PACKAGING SYSTEM

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**REMARKS**

This is responsive to the Non-Final Office Action mailed October 5, 2006. In that Office Action, claim 17 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite in the term “the mounting plate.” Further, claims 1-6, 11-19, 44-46, and 48 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,282,025 (“Amberg”). Claims 7-9 and 49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Amberg in view of U.S. Patent No. 5,275,033 (“Riviere”). Claims 20, 21, 24-27, 32-35, 38-40, and 43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Amberg in view of U.S. Patent No. 5,155,971 (“Zopf”). Claims 22, 23, 41, and 42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Amberg in view of Zopf and further in view of U.S. Patent No. 5,251,423 (“Turtschan”). Claims 28, 29, and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Amberg in view of Zopf and further in view of Riviere. The Examiner’s indication that claims 36 and 37 would be allowable if rewritten in independent form is noted with appreciation.

With this Response, claims 27, 33, and 36 have been cancelled; newly presented claims 50 and 51 have been added; and claims 1, 14, 15, 17, 24, 26, 28-32, 34, 35, 37, 44, and 45 have been amended. Claims 1-26, 28-32, 34, 35, and 37-51 are presented for consideration and allowance.

**35 U.S.C. § 112, Second Paragraph, Rejections**

Claim 17 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for utilization of the term “the mounting plate” without an antecedent basis. Due to a typographical error, the word “plate” was used instead of “piece” in claim 17. Claim 17 has been amended to address this inadvertent, typographical error. As such, it is believed the rejection is obviated, with withdrawal of that rejection and notice to that effect respectfully requested.

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**35 U.S.C. §§ 102, 103 Rejections**

Each of claims 36 and 37 has been deemed allowable by the Examiner if rewritten in independent form to include all of the limitations of any intervening claims. For reference, claim 36 depends from claims 27, 33, and independent claim 26. In turn, claim 37 depends from claim 36.

Claim 26 has been amended to incorporate the limitations of claim 36, which also includes the limitations of intervening claims 27 and 33. Thus, it is believed that claim 26 is in a presently allowable form for at least similar reasons that claim 36 has been deemed allowable. Additionally, claims 1 and 44 have been amended, respectively, to include similar limitations, such that claims 1 and 44 are believed allowable for similar reasons. Also, for reference, new claims 50 and 51 have been added which include limitations similar to claim 37. As such, new claims 50 and 51 are also believed allowable for at least similar reasons that claim 37 has been deemed allowable.

Claims 10 and 47 are presently in a withdrawn status. However, it is believed that each of claims 1, 26, and 44 is in a presently allowable form and is generic to claim 10, claim 30, and claim 47, respectively, such that claims 10, 30, and 47 should have their withdrawn status removed with allowance of those claims and notice to that effect provided.

In sum, claims 1, 26, and 44, as well as claims 2-25, 28-32, 34, 35, 37-43, and 45-51 depending therefrom are believed patentable over the cited references with the rejections of those fully traversed. As such, withdrawal of the rejection of those claims, allowance, and notice to that effect are respectfully requested.

Additionally, it is to be noted that several amendments have been made in view of the cancellation of claims 27, 33, and 36 in order to help ensure proper dependency and/or to correct inadvertent, typographical errors in the claims.

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**CONCLUSION**

In view of the above, Applicant respectfully submits that claims 1-26, 28-32, 34, 35, and 37-51 are in form for allowance and are not taught or suggested by the cited references. Therefore, allowance of claims 1-26, 28-32, 34, 35, and 37-51 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(b)(c). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 50-0471.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to Timothy A. Czaja at Telephone No. (612) 573-2004, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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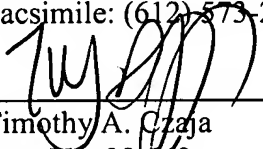
Respectfully submitted,

Roger A. Duman,

By his attorneys,

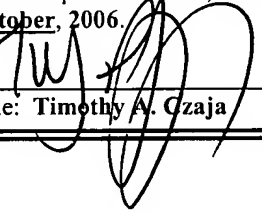
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**CERTIFICATE UNDER 37 C.F.R. 1.8:**

The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 5<sup>th</sup> day of October, 2006.

By:   
Name: Timothy A. Czaja